

APPEAL NO. 022498
FILED OCTOBER 23, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on September 4, 2002. The hearing officer determined that the respondent (claimant) sustained a compensable cervical and right shoulder injury on _____, and that the claimant had disability beginning March 15, 2002, and continuing through the CCH.

The appellant (carrier) appealed on a sufficiency of the evidence basis. The claimant responded, urging affirmance

DECISION

Remanded for reconstruction of the record.

The audiotape recording of the hearing was of such poor quality that the conversations were unintelligible on both sides A and B of the audiotape. Section 410.203(a)(1) requires the Appeals Panel to consider the record developed at the CCH. In that we are unable to discern what was being said we cannot review the carrier's sufficiency of the evidence contentions. Accordingly, we remand this case for such other action which will allow us to review the record.

We would also note that the hearing officer's decision and order lists three hearing officer exhibits, but no hearing officer exhibits are marked, although file copies of the documents were in the file.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Commission's Division of Hearings, pursuant to Section 410.202 which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

The true corporate name of the insurance carrier is **EMPLOYERS GENERAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBERT RAMSOWER
1601 ELM STREET, SUITE 1515
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Margaret L. Turner
Appeals Judge